IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

WRIT PETITION NO.998 OF 2007
(Smt. Narsamma Hiraiyya Educational Trust and another vs. State and others)

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders

CORAM : D.D. SINHA AND
SMT. VASANTI A. NAIK, JJ.

DATED : NOVEMBER 26, 2007

Heard Shri Parchure, learned Counsel for the petitioners, and Shri Sambre, learned Government Pleader for the respondents.

In the present petition, the grievance of the petitioners is in respect of part of Government Resolution dated 24.9.1991, which is annexed as Annexure V to the petition.

Shri Parchure, learned Counsel for the petitioners, states that in para (2) of the above referred Government Resolution, it is mentioned that the subject of computer science/engineering and other concerned subjects at the graduation level for

science and commerce faculties are permitted only on permanent no grant basis, if the Institution/College/Society fulfills other criteria and procedure applicable in this regard. It is contended that the subject of computer science being the need of the hour, the State Government ought not to have taken a policy decision to grant such faculty only on no grant basis and, therefore, the said Government Resolution to that extent be held to be bad in law.

Shri Sambre, learned Government Pleader for the respondents, after obtaining necessary instructions from the competent authority has made a categorical statement that it is the policy decision of the State Government to grant permission to start the above referred subject at the graduation level on permanent no grant basis and, therefore, it is prayed that this Court may not show any indulgence particularly when the decision reflected in the Government Resolution is the policy decision of the State Government.

At this stage, Shri Parchure, learned Counsel for the petitioners, states that State Government after issuance of Government

Resolution dated 24.9.1991 has granted permission to start subject of computer science at graduation level to some Colleges/Institutions on no grant basis and in due course of time, as per policy of the State Government, the said subject would be admitted to grant-in-aid. It is contended that State Government has given discriminatory treatment to the petitioners and, therefore, appropriate direction in this regard may be issued.

In the backdrop of the above referred facts, so far as policy decision of the State Government to grant permission to start subject of computer science/engineering at the graduation level on permanent no grant basis is concerned, it is difficult for us to show indulgence. However, if State Government has granted permission to some of the Colleges/Institutions to start the above referred subject on no grant basis, in that case, we permit the petitioners to make a representation in this regard to the State Government within a period of four weeks from today and if such representation is made, the State Government is directed to take a decision on its own merits according to law and procedure

applicable in this regard within a period of eight weeks from the date of receipt of such representation. With these observations and direction, the petition is disposed of.

JUDGE JUDGE

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